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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

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Amendment of 47 C.F.R. § 1.1200 )  
et seq. Concerning Ex Parte )  
Presentations in Commission )  
Proceedings )

GC Docket No. 95-21

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COMMENTS OF BELL ATLANTIC<sup>1</sup>

For the most part, the proposed revised **ex parte** rules will meet the Commission's objective "to make them simpler, clearer, and, in some instances, less restrictive."<sup>2</sup> Two of the proposals are inconsistent with these goals and should be revised. First, there is no public interest need served by increasing the burden on parties by requiring a more detailed disclosure of oral presentations, as proposed in Section 1.1206 (d) (2). Such a provision would be burdensome and is unnecessary to provide complete disclosure of presentations to the Commission. Second, the proposal to require **ex parte** filings for electronic messages, such as Internet messages, could be unenforceable and burdensome to the Commission's staff.

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<sup>1</sup> The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; and Bell Atlantic-West Virginia, Inc.

<sup>2</sup> **Notice of Proposed Rulemaking**, FCC 95-52 at ¶ 1 (rel. Feb. 7, 1995).

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The Commission should not adopt its proposal to require more detailed information notices in permit-but-disclose proceedings.<sup>3</sup> Bell Atlantic is unaware of any complaints or problems that have arisen under the existing rule, which requires that the notice contain a summary of data and arguments that are not already of record.<sup>4</sup> Interested parties to a proceeding already have full access to the comments that other parties have submitted. A more detailed notice would increase the paperwork and time burden on the parties and the Commission staff, which must review the more detailed notices for completeness and accuracy, and would not appreciably increase the amount of information disclosed. Such an increase is inconsistent with the goals of reducing paperwork and eliminating regulatory burdens.

The proposed change could also be burdensome and unnecessary when applied to conversations with the Commission's staff.<sup>5</sup> Such conversations focus on positions that are already of public record, such as pleadings in pending tariff matters. Often, however, they involve discussions of hypothetical scenarios and "trial balloons" of potential compromises by parties or Commission staff. These scenarios are put forward not as policy positions but in an effort to avoid protracted litigation. These hypotheticals are not intended to reflect the

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<sup>3</sup> *Id.* at ¶¶ 44-45.

<sup>4</sup> 47 C.F.R. § 1.1206 (a)(2).

<sup>5</sup> Parties, for example, frequently need to discuss complex tariff provisions with the staff, both before and after petitions are filed.

policy position of any party or Commission policy. It would be burdensome for both the parties and the Commission to attempt to memorialize and explain in writing each hypothetical scenario or suggestion made in every conversation. Such a requirement would produce no public benefit, because the hypotheticals are not intended to reflect any public position.

The Commission's proposal to require submission of **ex parte** notices for electronically-submitted comments may be nearly impossible to enforce. An issue of substantial importance to Internet users may produce hundreds or even thousands of comments. Many commenters are unlikely to file their comments with the Secretary, as the rules would require, and it would be extremely burdensome for the Commission staff to download each of the comments for separate inclusion in the record.

Instead, in the case of Internet submissions, the Commission should refer to them (without identifying all the parties if they are numerous) as part of its news release listing **ex parte** filings. That release can tell interested parties at what Internet address they can access the electronic submissions. The Commission should also place a separate notice of those filings on the Internet.

With these changes, the Commission should adopt its proposals to amend the ***ex parte*** rules.

Respectfully submitted,

**The Bell Atlantic Telephone  
Companies**

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Comments of Bell Atlantic" were served this 13th day of April, 1995, by United States Mail, first class, postage prepaid, upon the parties on the attached list.

  
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